

NOTICE OF APPEAL AND PUBLIC HEARING

Form DS1700



The Department of Community Development has received an Appeal of a Land Use Decision, as described below. This Appeal is subject to public notice and public hearing pursuant to Clark County Code (CCC) Chapter 40.510.030(H)

The Clark County Hearings Examiner will conduct the public hearing on **November 10, 2005 at 7:00 P.M.**, at **Public Service Center, 1300 Franklin St., Vancouver, Washington, Sixth Floor Suite 680** (see attached map). Parking is available in the parking garage on the north side of the Public Service Center (access off Franklin St.) after 6pm.

At the hearing, the Examiner will consider the following:

Project Name: **Martin Lot Determination Appeal**

Case Number: **APL2005-00019**

Location: 418 NW Hayes Road

Request: The appeal is to the determination that parcels "F" and "G" in Book 34, Page 9 of surveys, tax lot 43,13 (252678) is one (1) legal lot of record.

Appeal Issues: If a property owner sought to reduce the minimum lot size from 10 to 5 acres, within what time period was the property owner required to obtain information and demonstrate compliance with CCC 18.303.060A. justifying the reduction in lot size recognizing that this zoning provision was repealed in 1994?

Appellant: Jackson, Jackson & Kurtz, Inc., P.S.
Earl Jackson
P.O. Box 340
Battle Ground, WA 98604
Ejackson@jjk-law.com
360.687.3121

Property Owner: Stephen & Helen Martin
418 NW Hayes Road
Woodland, WA 98674

Date of Notice: October 3, 2004

Hearing Examiner: Richard Forester

Neighborhood Contact: **North Fork Lewis River Neighborhood Association;** David Petersen, President; C/O Paul Sorenson; 4303 NW 402 Street Woodland, WA 98674;263-5353

Staff Contact: Terri Brooks, Extension 4885

Legal Description of Property:

Tax Lot 43,13 (252678) located in the NW ¼ of Section 10, Township 5 North, Range 1 East of the Willamette Meridian

Applicable Laws:

UDC 40.520.010; Current and past platting and zoning laws.

Public Information Available:

The appeal document and case file, the Staff Report & Decision under appeal, the case file for the site plan review application, and the Clark County Code are available for review by the public during office hours at the Department of Community Development, 1408 Franklin Street, Vancouver WA. A Staff Report and Recommendation to the Hearing Examiner will be prepared by staff and available to the public two weeks prior to the public hearing.

Public Testimony Process:

Any person wishing to present testimony should arrive by **7:00 p.m.** at the Public Service Center, 1300 Franklin Street, Vancouver, Washington.

Faxed & Written Testimony

Testimony can be faxed to the Development Services Division at (360) 397-2011, Attn: **Susan Rice**. Written testimony can be mailed or hand delivered to the Customer Service Center, Department of Community Development, Development Services Division, 1300 Franklin Street, P.O. Box 9810, Vancouver, WA 98666-9810. Faxed, mailed or delivered testimony must be received at the Customer Service Center by **1:00 P.M., the day of the hearing**. Other written or verbal testimony may be presented and considered at the public hearing.

Appeal Process:

The Hearing Examiner normally issues a decision within two weeks from the close of the public hearing. In accordance with Clark County Code 18.600.100, appeals of Hearing Examiner decisions must be filed with the Board of County Commissioners

within fourteen (14) days of the mailing of the Hearing Examiner's written decision. Hearings Examiner decisions on any SEPA procedural appeal cannot be further appealed to the Board of County Commissioners. Such appeals must pursue judicial review.

Appeals must be in writing and contain a brief statement describing why the Hearing Examiner's decision is in error. The appeal must be accompanied by check in the amount of **\$286**. Checks shall be made payable to the Board of County Commissioners.

Accommodation of Physical Impairments:

The Public Service Center is wheelchair accessible. For persons requiring auxiliary aids or special arrangements in order to participate in this hearing, please contact the Development Services Division as far in advance of the hearing date as possible. To request these arrangements, please contact Susan Rice at (360) 397-2375, Ext. 4075 or call the Telecommunications Device for the Deaf (TDD) line at (360) 737-6057.

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.clark.wa.gov>
Or contact Terri at terri.brooks@clark.wa.gov**